

# **EXHIBIT B**



Secretariat:  
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USMLESec@nbme.org  
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**Via Email**  
**Personal and Confidential**

October 28, 2021

Paul Bowary  
20 Mission Place  
Providence, RI 02908

USMLE ID#: 0-899-284-4

Email: paul\_bowary@brown.edu

Dear Dr. Bowary:

Examinees are advised in the USMLE *Bulletin of Information* that irregular behavior includes any action by applicants, examinees, potential applicants, or others that could compromise the validity, integrity, or security of the USMLE examination process. Among the examples of irregular behavior is altering or misrepresenting examination scores.

On the USMLE applications you submitted, you certified and acknowledged that you had read the USMLE *Bulletin of Information*, including information pertaining to the policies and procedures regarding Irregular Behavior and Score Validity, and agreed to abide by the policies and procedures therein.

Evidence is available that you may have engaged in irregular behavior by altering your Step 3 score report and drafting a purported email and presenting them to the Federation of State Medical Boards ("FSMB"), NBME, and the Rhode Island Department of Health ("RIDOH") as authentic. Specifically:

- On March 5, 2020, you sent an email to FSMB inquiring about your USMLE Step 3 score, in relation to your application for a medical license in Rhode Island. You stated that you were informed via email from "webmail@nbme.org" in July 2019 that NBME had rechecked your Step 3 score and that you had passed your April 8, 2018 administration, which was previously reported as a fail. You attached a score report to the email, bearing your name and USMLE identification number, a Step 3 exam date of April 8, 2018, and a passing score of 199.
- In your email to FSMB, you attached a screenshot of the July 8, 2019 email you allegedly received from staff at NBME informing you of the change in your Step 3 score, as well as payment summaries for a refund of your December 28, 2018 Step 3 examination fees. You noted that the refund was for the subsequent

A Joint Program of the Federation of State Medical Boards of the U.S., Inc. and NBME



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Step 3 application that was “voided” because of the change from a fail to a pass on your April 8, 2018 Step 3 administration.

- On March 5, 2020, you sent an email to NBME as a follow up to your March 5, 2020 inquiry to the FSMB, and included the attachments you previously sent to the FSMB. On the same day, you also sent this email, including attachments, to the RIDOH.
- The NBME has no record of sending an email from “webmail@nbme.org” on July 8, 2019 to “paul\_bowary@brown.edu.”
- A review of your USMLE examination history shows that you sat for Step 3 on April 8, 2018 and achieved a failing score of 192 which was reported on May 2, 2018. After receiving your failing score report, you registered for Step 3 again on May 2, 2018 and chose an eligibility period of May 1, 2018 through July 31, 2018. On July 16, 2018, you submitted a request to extend your eligibility period through October 31, 2018. On October 30, 2018, you emailed FSMB and requested that your application be terminated and your registration fees be refunded, citing personal extenuating circumstances as the reason for the refund.
- You submitted an application to take Step 3 again on November 20, 2018. You sat for the examination on December 28, 2018 and received a failing score of 178 which was reported on January 23, 2019.
- After receiving your failing score report, you reapplied for Step 3 on January 23, 2019 and selected an eligibility period of February 1, 2019 through April 30, 2019. You submitted a request on April 22, 2019 to extend your eligibility through July 31, 2019. You did not sit for the Step examination during this eligibility period, however, and requested a refund for the registration fees via emails dated July 31, 2019 and August 9, 2019. Neither of your email messages made any reference to your having received an email from NBME on July 8, 2019 that informed you that your April 8, 2018 Step 3 exam had been rescored and now reflected a passing score, and neither suggested that you were requesting a refund because you no longer needed to retake Step 3. Instead, in both emails, you again cited personal extenuating circumstances as the basis for requesting a refund. FSMB issued you a refund in August 2019, which is represented on the payment summary you attached to your March 5, 2020 emails to FSMB and NBME.
- The USMLE program confirmed that there is no record of you requesting a score recheck for your April 8, 2018 Step 3 examination. The program has also confirmed that there is no record of you achieving a passing score on Step 3. Finally, NBME has no record of ever sending you an email -- in July 2019 or at any other time -- informing you that it had performed a score recheck for your April 8, 2018 Step 3 examination and advising you that your score was being changed to reflect a passing score.

- Your matter was heard before the USMLE Committee for Individualized Review (CIR) on August 20, 2020 and the decision from that hearing has been vacated.
- In your testimony before the CIR during your prior CIR hearing (held on August 20, 2020), you stated, “If you will review every email I sent, you will see that I never requested a score recheck.” You added that you were unaware a score recheck would be performed and suggested that an NBME customer service representative performed the service without your request. ( See page 15 of the hearing transcript, which I have enclosed.)
- Your CIR testimony on this point was inconsistent with what you said in an email message that you sent to FSMB on March 5, 2020. You stated in your hearing testimony, “I never requested a score recheck.” In your email to FSMB, however, you stated that you had submitted a “request” for “Step 3 rescoring” directly to the “secretariat office” with the help of an NBME customer service representative.
- Your explanation during your prior CIR hearing of how you obtained a score recheck did not match the published USMLE protocol for the score recheck process, which includes submitting a written request and paying a fee. You submitted no such written request and paid no rescoring fee.
- In a staff report that was prepared in connection with your prior CIR hearing, NBME staff analyzed the score reports attached to the March 5 and 6, 2020 emails that you sent to FSMB, NBME, the Office of the USMLE Secretariat and the RIDOH and noted inconsistencies from an authentic score report, including obvious changes to the pass/fail outcome and the numeric score. The score reports you sent were in various formats that differed from the format of an authentic score report—including jpeg files and a scanned document converted to a pdf.
- Staff compared the pdf score report you sent to the Office of the USMLE Secretariat on March 6, 2020 to the authentic report and noted the following: the authentic score report from your April 8, 2018 administration is a pdf file created on April 29, 2018 while the falsified score report is a pdf file created on March 6, 2020 using a program called “JPL Ghostscript,” a different program than the one used to generate authentic score reports.
- In a staff report that was prepared in connection with your prior CIR hearing regarding the email that you say you received from webmail@nbme.org in July 2019, NBME staff noted the inconsistencies between the email you forwarded and an authentic email which would be sent from this email address, including information contained in the email headers. Additionally, as noted above, no record of this email was found in NBME’s IT records.
- Inconsistencies within the email that you say you received also indicated that it is a fabrication. For example, although structured in letter format, the July 8, 2019 email was not signed by an NBME employee and the name of the subunit listed in

the email signature block – Examinee Support Services – was changed to Customer Operations Management in 2017. In addition, the style used by the author of this email (e.g., “Yours Faithfully” and the failure to follow protocol by not including the USMLE Identification number in the subject line”) is not consistent with the manner in which an NBME customer service representative would ordinarily communicate with an examinee.

- On July 21, 2021, NBME staff rechecked your score on the April 2018 Step 3 exam. No errors were found. The score that was officially reported to you for your April 8, 2018 Step 3 exam -- 192 -- is the same score that resulted from rechecking your score in July 2021.
- Because the score report bearing your name and USMLE identification number and the purported email from NBME you provided to FSMB, NBME, and RIDOH contain false information, this matter was referred to the Office of the USMLE Secretariat.

Therefore, on the basis of this evidence, there is reason to believe you may have engaged in irregular behavior. For your reference, I am enclosing a copy of “*United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding Irregular Behavior*” and “*USMLE Policies and Procedures Regarding Score Validity*.”

As explained in the *Policies and Procedures Regarding Irregular Behavior*, all pertinent information will be reviewed by the USMLE Committee for Individualized Review. This will include the information discussed above, any additional information that staff assembles or prepares, and the information you choose to provide (as discussed below). You will be provided with copies of all written material that NBME staff provides to the CIR members.

The CIR will consider your case at its meetings on **December 13-15, 2021**. As explained in paragraph B.4 of the *Policies and Procedures Regarding Irregular Behavior*, you may submit an explanation and/or any other relevant information you wish the Committee to consider when it reviews this matter. Please forward any such information to me to arrive in my office by **November 29, 2021** for distribution to the CIR before its meetings on **December 13-15, 2021**. At the sole discretion of the CIR, any materials that are received from you or your legal counsel after **November 29, 2021** might or might not be considered by the CIR in deciding your case.

You are not required to appear personally before the Committee, although you may elect to do so, with or without legal counsel. Your clear and concise written response to the issues raised in this letter will be given the same careful consideration by the Committee as a personal appearance. The Committee is primarily interested in hearing directly from you in your own words. Please keep this in mind if you elect to retain and appear before the Committee with counsel.

The December 2021 meeting of the CIR will be conducted remotely. To make a personal appearance before the Committee under these circumstances, you may appear before the Committee during the meeting via video or teleconference. If you wish to appear before the Committee via video or teleconference, please let me know by **November 5, 2021**. If you elect to appear virtually, you will receive an email advising you to appear on one of the following dates: December 13, 14, or 15 2021. Prior to the meeting, we will schedule time with you to ensure that you are familiar with the technology being utilized at the meeting.

To assist you in preparing for your CIR hearing, I have attached a set of the *Committee for Individualized Review Personal Statement Submission Guidelines*, and a set of the *USMLE Committee for Individualized Review Virtual Personal Appearance Guidelines*.

Please note that your access to USMLE is suspended during the investigation and CIR review.

As noted above, we will provide you with all written documents that staff intends to provide to the CIR in connection with your case. We are continuing our investigation and any additional written materials that staff prepares or assembles for consideration by the CIR will be included in the documents that we give to you.

If you have any questions about this matter, please do not hesitate to contact me at [USMLESec@nbme.org](mailto:USMLESec@nbme.org).

Sincerely,

A handwritten signature in cursive script that reads "Amy Buono".

Amy Buono  
Office of the USMLE Secretariat

c: ECFMG  
FSMB

Attachments